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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF ARIZONA

11 United States of America,
12
13 Plaintiff,

14 vs.

15 Eric Ridenour,
16 Defendant.

4:23-mj-01853-N/A-LCK

GOVERNMENT'S MOTION
FOR DETENTION

17
18 The United States of America, by and through its undersigned attorneys, pursuant
19 to 18 U.S.C. § 3142, moves this Court to detain the defendant before trial.

20 **FACTS:**

21 This defendant was charged via complaint on May 24, 2023 for maliciously
22 damaging or destroying, or attempt to damage or destroy, by means of fire or an explosive,
23 two buildings in Douglas, Arizona, on May 22, 2023: Saint Stephen's Episcopal Church at
24 749 11th Street and First Presbyterian Church at 1020 D Avenue, used in interstate or
25 foreign commerce or in any activity affecting interstate or foreign commerce; in violation
26 of Title 18, United States Code, Section 844(i). (ECF Doc. 1)

27 Douglas, Arizona is a small town in southeastern Arizona located directly on the
28 U.S.-Mexico border, north of Agua Prieta, Mexico. Church Square, located in the town's
historic district between 10th and 11th Streets and D and E Avenues, is listed in the record

1 books as the only block in the nation that contains four different churches: Southern
2 Baptist, Presbyterian, Episcopal, and Methodist. All four churches are historically
3 significant structures built over 100 years ago during the heyday of Douglas' mining
4 operations.

5 On Monday, May 22, 2023, at approximately 10:38 a.m., the defendant entered
6 Saint Stephen's Episcopal Church and First Presbyterian Church, both located within
7 Church Square, immediately before fires began inside both buildings. An ATF canine
8 ("K9"), trained to alert to the odor of accelerants, alerted to the presence of accelerants at
9 both church fire scenes. Security camera footage was obtained from an adjacent, operating
10 daycare facility with children present at the time of the fires. The footage from the daycare
11 center cameras showed a blue Pontiac Aztek arriving in an adjacent alleyway and parked
12 immediately west of Saint Stephen's Episcopal Church, near the southwest corner wall. At
13 approximately 10:40 a.m., a male subject – later identified as the defendant Eric Ridenour
14 – exited the vehicle and walked north along the wall carrying a plastic bag. The defendant
15 then walked out of view of the camera.

16 At 10:42 a.m., the defendant is seen walking back south along the wall and towards
17 the vehicle. The defendant then walked in a southeast direction towards the First
18 Presbyterian Church, located just south of Saint Stephen's Episcopal Church and in the
19 same block. Still on foot, the defendant entered the area between the church's hall and
20 classroom buildings and out of view of the camera. At approximately 10:45 am, the
21 defendant reappeared on camera on the northern sidewalk in the 700 block of 10th Street.
22 The footage then shows the defendant jogging north along the western side of the
23 classroom building. At approximately 10:46 a.m., the defendant re-entered the Pontiac
24 Aztek and drove west along the alley towards E Avenue. At this time, smoke is seen
25 emanating from the uninhabited two-story residence attached to Saint Stephen's Episcopal
26 Church.

27 Investigators determined that the only Pontiac Aztek registered in the Douglas area
28 belonged to the defendant Eric Ridenour. Surveillance footage from a Douglas area

1 Walmart retail store showed Ridenour wearing the same clothes as the individual on the
2 surveillance video. Investigators responded to the defendant's residence and observed a
3 Pontiac Aztek parked at the residence. Douglas Police Department obtained and executed
4 a search warrant on the residence.

5 At the residence, investigators located pants, in a clothes hamper, and shoes, that
6 the defendant was wearing, and a hat in the Pontiac Aztek. The pants, shoes, and hat
7 matched the ones worn by the defendant in the Walmart video just prior to the fire, as well
8 as the individual observed in the daycare video footage entering the churches just before
9 the fires were started.

10 During the execution of the initial search warrant on the defendant's residence, and
11 a subsequent search warrant, a letter written by the defendant was found by agents. The
12 letter referred to the defendant and his wife attending a church in Bisbee, Arizona. The
13 defendant described in the letter how he believed "culture" was creeping into the church.
14 According to the letter, the defendant spoke to the pastor of the church in Bisbee about his
15 belief and as a result, he and his wife were asked to leave and find another place to worship.

16 On June 2, 2023, special agents located and interviewed the pastor of the Calvary
17 Church in Bisbee where the defendant and his wife had previously worshipped. The pastor
18 of the Calvary Church stated that women in that church are involved with the service, and
19 sometimes led readings and prayer. The pastor stated that the defendant asked him to lunch
20 one day and the defendant told the pastor that he didn't believe women should be in
21 positions of authority in the church. After that day, the defendant and his wife never
22 returned to the Calvary Church.

23 A neighbor of the defendant, a parishioner at Calvary Church in Bisbee, stated that
24 the defendant was unhappy with the church's views towards worship as the defendant
25 believed that women should not be preaching or leading in prayer. Another neighbor stated
26 the defendant had started his own church, as he was unhappy with the local churches, and
27 that the defendant "didn't like gays, didn't like politicians, and didn't like women in
28

1 general leading the church.” The same neighbor also stated that the defendant believed the
2 Bible prohibited women and gay people from preaching.

3 Evidence also exists that the defendant visited Saint Stephen’s Episcopal Church in
4 2021 in order to inquire about the Church’s beliefs. Some time that year, the pastor at Saint
5 Stephen’s met with an individual identified as the defendant’s wife and a male matching
6 the description of the defendant. The male, believed to be the defendant, took photos of the
7 church interior and inquired whether women could be pastors in the Episcopalian Church,
8 along with other pointed questions regarding participation in politics and religion by
9 women and gay people. Notably, the pastor of the First Presbyterian Church is a woman
10 and the pastor of Saint Stephen’s Episcopal Church is openly gay. The defendant also asked
11 questions about the layout of the pews and the altar. Finally, the defendant stated he would
12 not attend church with a gay pastor.

13 Pursuant to the rights afforded to them under the Crime Victims Rights Act
14 (CVRA), the pastors of both victim churches have provided input relaying that their
15 parishioners are terrified of additional danger to their community by the defendant, they
16 are fearful for their congregations, and they have been contacted by other faith leaders in
17 the Douglas and surrounding community who are also fearful for their own churches and
18 their parishioners. The pastors, and other faith leaders, have expressed fear of retribution
19 should the defendant be released. The southeastern Arizona border towns are small
20 communities and the church leaders are easily recognizable.

21 In addition, the Pre-Trial Services report shows the defendant has a prior conviction
22 for misdemeanor Criminal Damage involving a domestic violence incident with an ex-
23 girlfriend. From police reports of that incident, the defendant kicked the woman’s door
24 down during a domestic dispute after the two separated. The defendant has also been
25 involved in other arrests and police contact including violating a protective order and
26 pouring sugar in the gas tank of another ex-girlfriend, and threatening to beat up an ex-
27 wife’s fiancé during a dispute prompted by the defendant’s refusal to abide by a child
28 custody agreement.

As a result of the fires, Saint Stephen's Episcopal Church and First Presbyterian Church both suffered extensive damage as depicted in photographs attached to the criminal complaint in this matter (ECF Doc. 1). The fires continued to re-ignite throughout the evening and the following day after the arson. The structure of Saint Stephen's Episcopal Church was almost completely destroyed. The roof of the First Presbyterian Church collapsed in the early morning hours of May 23, 2023, and the fire caused extensive internal damage. Remains of what appeared to be lighter fluid canisters and lighters were found behind the altar at First Presbyterian Church.

LAW AND ARGUMENT:

A person facing trial is entitled to release under the least restrictive conditions or combination of conditions that will reasonably assure the appearance of the person as required *and the safety of the community*. 18 U.S.C. § 3142(c); *United States v. Motamedi*, 767 F.2d 1403, 1405 (9th Cir. 1985) (emphasis added). The court may order detention of a defendant before trial if no condition or combination of conditions will reasonably assure the appearance of the person as required and safety of the community. 18 U.S.C. § 3142(e)(1). The government bears the burden of showing, by a preponderance of the evidence that the defendant poses a flight risk, and by clear and convincing evidence, that the defendant poses a danger to the community. 18 U.S.C. § 3142(f); *Motamedi*, 767 F.2d at 1406-07.

The Ninth Circuit has described the Bail Reform Act factors a court is to consider in determining whether a defendant should be released on conditions or detained pending trial:

Section 3142(g) specifies the various factors that must be considered in determining whether there are conditions of release that will reasonably assure the appearance of the person and the safety of the community. These factors are: (1) the nature and seriousness of the offense charged; (2) the weight of the evidence against the defendant; (3) the defendant's character, physical and mental condition, family and community ties, past conduct, history relating to drug and alcohol abuse, and criminal history; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release.

1 *United States v. Gebro*, 948 F.2d 1118, 1121 (9th Cir. 1991) (internal citations omitted).
 2 The weight of the evidence is the least important of these factors. *Motamedi*, 767 F.2d at
 3 1408. However, the nature of the offense and the evidence of guilt is relevant “in terms of
 4 the likelihood that the person will fail to appear or will pose a danger to the community.”
 5 *United States v. Cardenas*, 784 F.2d 937, 939 (9th Cir. 1986) (citing *Motamedi*, 767 F.2d
 6 at 1408).

7 Danger to the community encompasses a broader consideration than simply
 8 physical harm. The legislative history to 18 U.S.C. 3142 states that the language regarding
 9 the safety of the community “refers to the danger that the defendant might engage in
 10 criminal activity to the detriment of the community.” S. Rep. No. 98-225, at 12 (1984)
 11 reprinted in 1984 U.S.C.C.A.N. 3182, 3195. The legislative history also states that the
 12 concept of “safety be given a broader construction than merely danger of harm involving
 13 physical violence.” S. Rep. No. 98-225, at 12 (1984) reprinted in 1984 U.S.C.C.A.N. 3182,
 14 3195 (citing *United States v. Provenzano*, 605 F.2d 85, 95-96 (3rd Cir 1979) (under
 15 previous statute, “danger” extended to non-physical harms such as corrupting a union)).
 16 The Ninth Circuit has held that danger to the community may encompass pecuniary or
 17 economic harm in certain cases. *United States v. Reynolds*, 956 F.2d 192, 192-93 (9th Cir.
 18 1992).

19 Further, the Court shall hold a hearing to determine whether any, and the United
 20 States submits there are none, condition or combination of conditions of release will
 21 reasonably assure the appearance of the defendant and the safety of any other person and
 22 the community, as Arson is a crime of violence for purposes of 18 U.S.C. § 3142. *United*
 23 *States v. Varnes*, No. 10–0203M, 2010 WL 2035573, at *1 (D.Ariz.2010) (unpublished)
 24 (“The Court finds that the malicious burning of any building, vehicle, or other real or
 25 personal property proscribed by 18 U.S.C. § 844(i) is a “crime of violence” as defined
 26 by 18 U.S.C. § 3156(a)(4)”). *See also: Mbea v. Gonzales*, 482 F.3d 276, 280 (4th Cir.2007);
 27 *United States v. Mitchell*, 23 F.3d 1, 2 n. 3 (1st Cir.1994) (per curiam) (holding that federal
 28 arson as set forth in 18 U.S.C. § 844(i) is a “crime of violence” under 18 U.S.C. §

1 3156(a)(4)); *United States v. Pereira*, 454 F.Supp.2d 40, 43 (D.Mass.2006); *United States*
2 *v. Marzullo*, 780 F.Supp. 658, 662 & n. 7 (W.D.Mo.1991); *United States v. Shaker*, 665
3 F.Supp. 698, 702 n. 4 (N.D.Ind.1987). The Court may also consider the seriousness of the
4 charged offense including potential penalties. *United States v. Townsend*, 897 F.2d 989,
5 995 (9th Cir. 1990). In this case, the defendant is facing a mandatory minimum term of 5
6 years in prison and a maximum of 20 years.

7 The nature and circumstances of this offense are extremely concerning. The
8 defendant brazenly set fire to two structures, historic church buildings that engage in
9 interstate commerce, during the daytime hours on a weekday in the middle of Douglas'
10 historic district. The fires were started with no regard to the safety of community members
11 in the area, including the open and operating daycare center, with children present at the
12 time, immediately next door to Saint Stephen's Episcopal Church. Church Square sits in a
13 population-dense residential area. The churches themselves are attached to residential
14 structures and areas. At the time of the fires, First Presbyterian Church had set up cots on-
15 site in anticipation of housing migrant families who might require shelter as a result of Title
16 42 expiring; luckily, no one was staying there that morning. There is strong evidence that,
17 in committing this act, the defendant was motivated by his animosity towards the churches'
18 inclusive policies towards all individuals, including women and gay people.

19 The weight of the evidence against this defendant is strong. Although not exhaustive
20 of the evidence against the defendant, the fact section of this motion shows that there is
21 strong, corroborated evidence of the defendant's physical presence inside the churches
22 shortly before the fires began. The defendant is seen on surveillance footage with items in
23 a plastic bag entering the buildings. There is evidence that the defendant's clothing and
24 vehicle match the person who entered the churches to ignite the fires. Further, the defendant
25 and his wife appear to have had direct contact with the pastor of at least one of the churches
26 and openly expressed his disapproval of and animosity towards the policies and practices
27 of those communities of worship.
28

1 The history and characteristics of the defendant weigh against release. This
2 defendant committed an exceptionally dangerous crime, with callous disregard for human
3 life and others' properties, including the victim churches, the daycare directly next to the
4 churches, other structures within Church Square, houses and apartments in the immediate
5 area. He directed this deeply personal attack on communities of faith that serve as the
6 bedrock for the Douglas community and surrounding areas. It is hard to overstate the
7 impact of this crime on the close-knit religious community in southeastern Arizona. The
8 defendant's criminal history and police contacts are also concerning. Although these
9 incidents occurred a number of years ago, they show a pattern of someone who causes or
10 threatens harm when he encounters conflict with others. Given the gravity and nature of
11 the offense, the evidence that the defendant is driven by ideological fervor, and the blatant
12 disregard for the safety of individuals and the community, the defendant's release would
13 pose a significant risk of danger to the community.

14 **CONCLUSION:**

15 The government respectfully requests the defendant be detained pending trial as a
16 danger to the community.

17 Respectfully submitted this 14th day of June, 2023.

18
19 GARY M. RESTAINO
20 United States Attorney
21 District of Arizona

22 *s/ Adam D. Rossi*

23 ADAM D. ROSSI
24 Assistant U.S. Attorney

25 Copy of the foregoing served electronically or by
26 other means this 14th day of June, 2023, to:

27 All ECF Participants
28